



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,319	03/09/2000	Alando M Ballantyne	50-00-002	2463

7590 09/02/2003

ROBERT W. HOLLAND
BAKER BOTTS L.L.P.
2001 ROSS AVENUE, SUITE 600
DALLAS, TX 75201-2980

EXAMINER

KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
----------	--------------

2122

22

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/522,319

Applicant(s)

BALLANTYNE ET AL.7

Examiner

Chuck O Kendall

Art Unit

2122

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 16.

Claim(s) objected to: 5-9, 12, & 18.

Claim(s) rejected: 1-4, 10, 11, 13-15, 17, 19, 20.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 11, & 16.
10. ☐ Other: _____

Art Unit: 2122

Advisory Continuation Paper# 2

Response to Arguments

Regarding Applicant's argument in claims 5,8,9, and 18, Examiner withdraws previous rejection. However claims are still being objected to as being dependent from a rejected base claim. Prior art doesn't teach or render obvious the limitations of: "...plural nodes having associated arcs, each node associated with an output incident", "...associating the incidents with an Extensible Markup Language schema; and creating a specification to modify the legacy computer system applications to provide output in Extensible Markup Language Format", and " ...wherein incidents comprise report commands ".

Corresponding to Applicant's comments concerning the status of claims, claim 16 as previously allowed in Examiners Advisory action dated 7/16/2002 still stands, as well as previously objected claims 6, 7, & 12. Examiner appologizes for a mistype from the previous rejection and the record has now been corrected to show the current status of claims as in Item 7 above. Regarding Applicant's concerns with the IDS, Examiner has reviewed and considered IDS. Included is a signed copy of the IDS.

Contrary to Applicants argument on page 8 of response dated 7/21/03, in which Applicant argues that in claims 1 and 17, Eager doesn't teach or disclose "identifying incidents that output data" and further argues in claim 17 to include " within the source code". Examiner still believes that Eager does provide this teaching. Eager in claim 9, which is supported by col. 24:21-35 & 25:29-52, teaches providing action items (incidents) for obtaining the indentified outputs. As discussed in col. 24:21-35, Eager shows action items/ statements/incidents which perform the said action as claimed by Applicant which is also further noted in claim 9 of Eager. Applicant's disclosure as claimed and arguments merely calls for the limitation of " identifying incidents of the legacy system that output data". Claim 9 in Eager spells out that claimed limitation almost identically, "... provides a list of action items for obtaining the identified outputs from the legacy system". For a more concise mapping Examiner equates "incidents" in this case, for example to be the " action items" of claim 9, which is also noted in col.

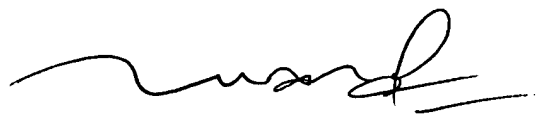
Art Unit: 2122

24:21-35, to be the tokens(incidents) obtained from the source language within the source code.

For Applicants argument in claim 17, which calls out for " identifying incidents within the source code", Eager again does provide this teaching. As noted earlier in cited portions at col. 24:21-25, Eager states " Specifically the scanner 241 reads characters from the MFS file until a token (incident) has been read. The scanner 241 adds the token just obtained to a symbol table in which all the identifiers (incidents) of the source language are stored ", this provides the teaching of within the source code as argued by Applicant in claim 17. Also in Eager at col. 25:39-43, Eager shows a series of statement lists assignments(incidents) within the source code.

With regards to Applicant's argument on page 11 of the response as cited. Applicant argues for no proper basis for modification of Kelliher with Eager. Examiner disagrees. Both applications are analogous and deal with mapping and acquiring information or transitioning between systems. Furthermore Applicant argues on page 12 of the response that, Kelliher has nothing that remotely relates to source code or rules. Examiner again disagrees. Kelliher in col. 3 line 5 shows generating source code to implement data access and passing information to a mapping tool which performs data insertion and extraction through routines. Routines can be construed to mean rules, since a rule in programing is generally a routine.

Regarding Applicants argument in claim 10, Applicant argues that the combination of Eager and Meltzer doesn't teach or disclose a modeling engine. In Fig 5, Meltzer shows an attribute generator and an element event generator attached to Architecture 505B. Meltzer provides modeling engines/generator to an internal architecture. Applicant claims a legacy system which in its own is an architecture which is being mapped to a system for transitioning from one architecture to another. Therefore, there is a motivation to combine since both system architectures deal with mapping/translating objects between architectures also see in Meltzer (figure 4) for more on translating to a host system architecture.



TUAN DAM
SUPERVISORY PATENT EXAMINER